



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,084	02/17/2000	Toshikazu Ohshima	2355.11106	7474

5514 7590 01/07/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

HARRISON, JESSICA

ART UNIT	PAPER NUMBER
----------	--------------

3714

DATE MAILED: 01/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,084

Applicant(s)

Ohshima et al.

Examiner

J. Harrison

Art Unit

3714



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 29, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

Art Unit: 3713

DETAILED ACTION

Continued Prosecution Application

The request filed on 10/29/2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/506084 is acceptable and a CPA has been established. An action on the CPA follows.

Applicant's amendment of September 30, 2002 is acknowledged. Claims 1-39 remain pending. Claims 1-4, 7, 9-11, 17-20 and 39 have been amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 14, 15, 17-19, 20-30, 33, 34, and 36 - 39 are rejected under 35

U.S.C. 102(b) as being clearly anticipated by Jarvik.

The rejection of the prior office action is maintained and repeated hereinbelow.

The Jarvik system integrates virtual reality with real-time sensed physical reality to provide a unique hybrid environment, as claimed in the instant claims. Regarding the newly added limitation

Art Unit: 3713

of “an inputting unit adapted to input a real space image corresponding to a location/posture of a viewpoint of the operator”, note Jarvik at 11:35-55 and camera 148.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 16, 31, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvik.

The rejection of the prior office action is maintained and repeated hereinbelow.

Jarvik gives exercising examples, but suggests his systems use in a game environment. He does not explicitly state different types of games, such as recited in these claims. However, enemy games, fighting games, cooperative games, danger games, and the like are all well known genres of games, each having their own scoring schemes determined by game designers. It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt well known game genera and scoring schemes to the Jarvik system, in order to provide a variety of virtual experiences to the Jarvik system. Specific recitation of a type of score or game, when such are well known in the game art, would not serve to define patentability given the analogous technology and suggestions of game embodiments in Jarvik.

Art Unit: 3713

Response to Arguments

Applicant's arguments filed September 30, 2002 have been fully considered but they are not persuasive.

Applicant's sole point of contention hinges on applicant's assertion that the prior art reference to Jarvik is virtual reality device and not a mixed reality device, i.e., Jarvik is not directed to a combination of virtual images and real space images. Therefore, applicant concludes Jarvik does not disclose or suggest at least the feature of inputting a real space image corresponding to a location/posture of a viewpoint of a user. However, as noted above, this aspect is clearly taught in Jarvik at 11:30-55 where a camera is provided to receive an image of the field of view in front of the users so that the image of the user's arms, hands, body, etc. is thus obtained and superimposed by the computer over other images shown on the display. Jarvik also suggests mixed reality at 13:3-4. Clearly Jarvik teaches a "mixed reality" system. Applicant's argument fails to persuade.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Harrison whose telephone number is (703) 308-2217.

Art Unit: 3713

jjh

December 30, 2002

A handwritten signature in black ink, appearing to be 'JH' followed by a long horizontal line.

**JESSICA HARRISON
PRIMARY EXAMINER**